

## REMARKS

Claim 5 stands rejected under 35 USC §112 second paragraph as being indefinite. By way of the above amendment to claim 5, Applicant has clarified that the interchangeable needle head has threads for mating with the threads of the needle hub. Applicant respectfully submits that the above clarification traverses the rejection.

Claims 1-3 stand rejected under 35 USC §102 as being anticipated by Pressly et al '952. Applicant respectfully submits that the Pressly et al '952 reference fails to teach an interchangeable needle to which Applicant's claimed subject matter is directed. As seen in the Pressly et al '952 reference, needle 3 is contained within a needle assembly 9. Needle 3 defines an enlarged head 13 which is positioned within a deformable base 11. The attachment of needle head 13/113 within the deformable base 11/111 is such that the needle is not interchangeable. Removing the needle taught in the Pressly et al '952 reference would destroy the attachment within the deformable base 111. Further, the operation of the Pressly et al '952 safety syringe uses the deformable base 11/111 to engage the storage means such as spring 21. As seen in reference to the figures of the Pressly et al '952 reference, any effort to remove or interchange the needle would result in rupture of the deformable base which would bring about the undesired release of the storage means.

For these reasons, it is respectfully submitted that the Pressly et al '952 reference fails to anticipate Applicant's claimed invention for at least the reason the Pressly '952 does not teach any type of interchangeable needle.

Claims 1-4, 6 and 7-11 stand rejected under 35 USC §102(b) as being anticipated by Redfern et al '034. Applicant respectfully submits that the Redfern et al '034 reference does not anticipate Applicant's claimed subject matter. Applicant's independent claim 1 and claim 9 sets forth limitations to a moveable base which is positioned within the syringe barrel. The structure 22 of Redfern does not provide for a moveable base as set forth in Applicant's claims. Rather, structure 22 of Redfern is a "shuttle" or "needle mounting means" that is akin to the needle hub 2 or needle assembly 8 of the present application. Shuttle 22 is a one-piece molding comprising a shaft or a bore along the longitudinal axis thereof (see Col. 4, lines 16-20). The

structure of Redfern clearly does not teach the moveable base as recited in Applicant's independent claims. Instead, Redfern discloses a restraining means or shuttle retainer 28 that is "integral with the barrel and preferably takes the form of an annular structure extending inwardly of the inner wall of the barrel" (Col. 2, lines 58-60). The restraining means of Redfern is not a separate piece from the barrel and, thus, teaches away from the moveable base of Applicant's claimed invention. Applicant's invention has limitations to a moveable base which is separate from the barrel and moves along the barrel.

Applicant also directs the Examiner's attention that claim 1 has been amended to more particularly point out the interrelation between the compressed spring which resides entirely within the barrel, the spring further surrounding a portion of the needle hub base. This limitation is also believed to distinguish over the cited references of record.

Claims 5 and 13 stand rejected under 35 USC §103(a) as being unpatentable over Redfern et al in view of Jensen '269. Applicant respectfully submits that for the reasons addressed to Redfern above, the cited references fail to teach Applicant's claimed invention. No single reference or combination of the cited references provides any teaching or motivation to provide a moveable base as claimed and described by the Applicant. According, Applicant respectfully submits that the cited references fail to establish a *prima facie* case of obviousness with respect to the subject matter set forth in claims 5 and 13. Additionally, claim 5 is believed to be in condition for allowance for at least the reason that it depends from an allowable independent claim.

Claim 12 stands rejected under 35 USC §103(a) as being unpatentable over Redfern et al in view of Pressly et al '952. For the reasons addressed above, Applicant respectfully submits that the Redfern reference fails to teach a safety syringe having interchangeable needles and which includes a moveable base. The additional application of Pressly et al '952 directed to the bio-hazard label does nothing to address the deficiency of the Redfern reference. Accordingly, Applicant respectfully submits that claim 12 is not unpatentable in view of the cited references.

Applicant is presenting new claims 14-18 directed to additional features of the invention. Support for the subject matter in claims 14 and 15 may be seen in reference to the support members 21, base 4, and needle assembly 8 as seen in reference to Figures 1-6 and as described in the specification on page 8, lines 12-16, and page 9, lines 20-24.

Support for the subject matter in claim 16 may be found in reference to Figure 2A and as described in the specification on page 2, lines 1-2..

The support for the subject matter of claim 17 may be seen in reference to the specification on page 16, lines 15-18, which references the embodiment showing needle hub 113, bars 156, and the described relationship of the hub and bars as seen in the reference to figures 31 and 32.

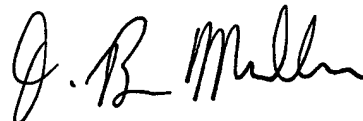
The subject matter of claim 18 may be found in reference to the embodiment seen in Figure 39 which describes the sloped inner wall of the barrel having a ledge or shelf 202.

Applicant respectfully submits that the subject matter of new claims 14-18 is patentably distinct. Additionally, the new claims 14-18 are believed to be in condition for allowance for the additional reason that they depend at least from an allowable independent claim.

Inasmuch as all outstanding issues raised by the Examiner have been addressed, it is respectfully submitted that the present application is in condition for allowance, and action to such effect is earnestly solicited. The Examiner is encouraged to telephone the undersigned at his/her convenience should only minor issues remain after consideration of the present Amendment, to permit early resolution of same.

Please charge any additional fees required by this Amendment to Deposit Account No. 04-1403.

Respectfully submitted,  
DORITY & MANNING, PA



J. Bennett Mullinax, Reg. No. 36,221

# Marked up Claims Copy

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1. (Amended) A safety syringe comprising:
  - a) an interchangeable needle;
  - b) an elongated barrel having first and second ends, the interchangeable needle attached to a first end of the barrel;
  - c) a plunger sized and shaped to be received in the second end of the barrel and to be movable therein;
  - d) a movable base adapted to releasably constrain the needle;
  - e) a spring, at least partially compressed, said spring positioned entirely within the barrel and [the interchangeable needle] surrounding a portion of a base of a needle hub, said spring adapted to bias the interchangeable needle within the barrel; and  
wherein the plunger is moved within the barrel applying force to the interchangeable needle and causing the spring to retract the interchangeable needle within the plunger.
5. (Amended) The safety syringe of claim 4 in which the interchangeable needle head has a portion with threads thereon adapted for mating with [the] threads of the [interchangeable needle head] needle hub and for screwing the interchangeable needle head to the barrel and wherein the plunger has a rupturable web on one end through which the needle hub is forced when the spring triggers.
13. (Amended) An interchangeable needle safety syringe formed by a process comprising:
  - a) threading a needle hub having a needle into a needle assembly, the needle assembly defining a passageway and including a spring thereon such that the needle hub is received in the passageway and the spring is partly compressed on the needle assembly;
  - b) inserting the needle assembly in a matable base of a hollow barrel, the base constructed and arranged to releasably retain the needle assembly said base being moveable within said hollow barrel;
  - c) biasing the base with the spring preventing unintentional movement within the hollow barrel; and
  - d) inserting a plunger having a seal within the hollow barrel until the plunger mates with the base.